



485680

Van Waters & Rogers Inc.

subsidiary of **Univar**

P.O. BOX 34325
SEATTLE, WA 98124-1325

6100 CARILLON POINT
KIRKLAND, WASHINGTON 98033
PHONE: (206) 889-3400
FAX: (206) 889-4100

Direct Phone: (206) 889-3664
Direct Fax: (206) 889-4136

September 19, 1993

Via Federal Express

Ms. Marsha A. Adams, 5HSM-5J
Responsible Party Search Section
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

R E C E I V E D
SEP 22 1993
**SUPERFUND PROGRAM
MANAGEMENT BRANCH**

Re: Stickney Avenue Landfill and the Tyler Street Dump Sites, Toledo, Ohio

Dear Ms. Adams:

This responds to the Environmental Protection Agency's (EPA) August 12, 1993, CERCLA Section 104(e) Request for Information issued to Inland Chemical/Van Waters & Rogers (VW&R). We have completed a thorough investigation of our files for documents and information concerning our involvement with the Stickney Avenue Landfill and Tyler Street sites, which included discussions with several VW&R employees who previously were employed with Inland Chemical.

As you may be aware from VW&R's prior 104(e) response to EPA regarding the Dura Landfill, VW&R acquired Inland Chemical's Industrial Division in May, 1976. VW&R closed the existing Inland Chemical facility in Toledo and began conducting business in 1977 at its present facility at 30450 Tracy Road, Walbridge, Ohio. As indicated in the attached response, VW&R has no records from the time of Inland Chemical's operations in Toledo through 1976. After a thorough search, no documents are known to exist.

VW&R is, as was Inland Chemical, a distributor of virgin chemicals and associated products to various customers in the industrial and commercial marketplace. In 1977, VW&R began operating its chemical distribution facility at 30450 Tracy Road in Walbridge. VW&R does not manufacture any products at this location. By its very nature, this type of distribution business does not generate hazardous wastes, as could be expected as by-products of a manufacturing process. Since 1977, VW&R has generated only small quantities of hazardous wastes as a result of handling and re-packaging certain products. Such wastes have been properly disposed of through



Ms. Marsha A. Adams
September 19, 1993
Page 2

VW&R's Chemcare division at an approved hazardous waste disposal site. Other non-hazardous trash is collected by Waste Management for disposal.

Based on all available information, we have determined that VW&R did not dispose of any hazardous wastes at either Stickney Avenue Landfill or the Tyler Street Dump. Nor do we believe that Inland Chemical sent hazardous wastes to those sites. Of course, in the event VW&R discovers any documents or information with respect to either VW&R's or Inland's disposal of hazardous waste at the Stickney Avenue or Tyler Street sites, we will promptly supplement this response.

Because of our frequent receipt of 104(e) letters from EPA at sites where VW&R's chemical product labels have been discovered, we would like to clarify that as a supplier of virgin chemical products, VW&R would not be responsible for any subsequent disposal of such products by any of our customers at either of these sites. As I am sure you are aware, suppliers of commercial chemical products are not liable under Section 107(a)(3) of CERCLA absent a tolling or formulation agreement with the customer. See United States v. Aceto Abr. Chemicals Corp., 872 F.2d 1373, 1381 (8th Cir. 1989).

Please note that in responding to EPA's request, we have distinguished between Inland Chemical and VW&R depending on the question. Where a particular request makes no distinction between VW&R and Inland, our response provides the appropriate distinctions as necessary.

If you have any questions regarding the enclosed responses, please do not hesitate to call me.

Sincerely,


Allan B. Bakalian
Senior Corporate Counsel

Enclosure

cc: Jim Hooper, VW&R-Oakbrook
Jack Hohman, VW&R-Toledo

ABB/sb

**VAN WATERS & ROGERS' RESPONSE TO EPA REQUEST FOR INFORMATION TO
INLAND CHEMICAL RE STICKNEY AVENUE LANDFILL AND
TYLER STREET DUMP SITES**

1. Individuals consulted.

The individuals identified below were contacted to assist in providing the information used to prepare this response.

Jack M. Hohman, Toledo Branch Operations Manager
30450 Tracy Road
Walbridge, Ohio

Jack W. Mumford, Toledo Branch Warehouseman
30450 Tracy Road
Walbridge, Ohio

George A. Smith, Toledo Branch Driver
30450 Tracy Road
Walbridge, Ohio

[REDACTED]

2. Documents consulted.

A thorough search for documents relevant, or potentially relevant, to this request was conducted at both the Toledo Branch office and corporate headquarters in Kirkland, Washington. With respect to potential involvement of VW&R and Inland Chemical at the Stickney Avenue and Tyler Street sites, no documents were found and none are believed to exist. We will amend this response promptly should we discover any such documents.

3. Persons with additional information.

Individuals with additional information or documents are unknown at this time. We will supplement this response promptly should we discover any such individuals.

4. Respondent's EPA Identification Number.

The EPA Identification Number for VW&R's Walbridge facility is OHD800985799.

5. Acts or omissions by other persons.

VW&R is not aware of any acts or omissions by any persons which might have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting therefrom at the Stickney Avenue or Tyler Avenue sites.

6. Persons with knowledge about the generation, transportation, treatment, disposal or handling of material at the sites.

VW&R is not aware of any person with information regarding any activity at the sites.

7. Persons who might have arranged for disposal or treatment of substances at the sites.

VW&R is not aware of any individual, either as an Inland employee or VW&R employee, who arranged for disposal or treatment, or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the sites. Jack Hohman has been Operations Manager since 1972 and he is not aware of any such activity. During Mr. Hohman's tenure as Operations Manager, he has had responsibility for arranging for disposal of materials of hazardous and non-hazardous materials.

We are unable at this time to create a chronology of Operations Managers who preceded Jack Hohman, but we believe the individuals listed below worked in that capacity, all of whom were Inland employees beginning in the mid-1960's. Dick Zalinsky was replaced by Jack Hohman in 1972. We are unable to place the other names in chronological order or give specific dates due to the fact that there was a rapid turnover in this position in a relatively short period of time. This task is made considerably more difficult by the number of years that have passed since these individuals worked for Inland

Chemical. The whereabouts of all but one of the individuals identified below are unknown. Earl Howser is deceased.

No documents exist which would help us respond to this request more fully. We will supplement this response promptly in the event that we discover additional relevant information.

Former Inland Chemical Operations Managers:

Dick Zalinsky
Earl Howser (deceased)
Kenny Parker
Bob Superzinski
Jerry Fokes

8. Disposal of wastes not taken to Stickney Avenue Landfill or the Tyler Street Dump Sites.

As stated in the cover letter to this response, all hazardous wastes generated at VW&R's Walbridge facility since Van Waters & Rogers began operations in 1977 have been properly disposed of at one of VW&R's approved hazardous waste disposal sites. Other non-hazardous trash is collected at VW&R by Waste Management for disposal. Inland Chemical's hazardous wastes were disposed of by Inland's Chemical Reclamation Division, an operation which VW&R did not purchase from Inland when it purchased Inland's Chemical Distribution Division. Based on VW&R's investigation in response to EPA's request for information, Inland did not dispose of any hazardous substances at either of the sites. Inland's non-hazardous wastes were picked up by a public waste disposal service. Whether this service was conducted by Waste Management, as is currently the practice with VW&R, or by a predecessor company, is unknown.

On one known occasion in the late 1960s, Inland Chemical personnel sent damaged chemical goods, trash and scrap material to Dura Landfill. VW&R reported this occurrence to EPA in our May 11, 1993 response to a CERCLA Section 104(e) Request for Information related to Dura Landfill.